

9-33-A. Administrative Penalty Under Part B: Penalty Assessments, Issuing Complaints, and Negotiating and Signing Consent Agreements (1200 TN 350 9-33-A)**1. AUTHORITY.** Pursuant to the Safe Drinking Water Act (SDWA):

- a. To propose the assessment of a penalty against any person in violation of any administrative order issued under Part B of the SDWA;
- b. To issue, amend or withdraw complaints;
- c. To negotiate consent agreements between the Agency and respondents; and
- d. To sign consent agreements between the Agency and respondents.

2. TO WHOM DELEGATED.

- a. The authorities in 1.a., 1.b., 1.c., and 1.d. are delegated to the Director, Enforcement and Compliance Assurance Division (ECAD).
- b. The authority in 1.c. is delegated to the Chief, Water Branch, ECAD; Chief, SDWA and Wetlands Section, ECAD; and the Regional Counsel (RC) or his/her designee.
- c. The authority in 1.d. is delegated to the Chief, Water Branch, ECAD.

3. LIMITATIONS.

- a. These authorities may only be exercised prior to the alleged violator's filing an answer or failure to file a timely answer to a complaint.
- b. The delegates must consult with the RC before exercising these authorities.

4. REDELEGATION AUTHORITY.

- a. This authority may be redelegated to the branch chief level and may not be redelegated without formal amendment.
- b. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command down to the official to whom it has been specifically redelegated.

9-33-A. Administrative Penalty Under Part B: Penalty Assessments, Issuing Complaints, and Negotiating and Signing Consent Agreements (continued)**5. ADDITIONAL REFERENCES.**

- a. Section 1414(g)(1) and (3) of the SDWA.
- b. Section 1445 of the SDWA.
- c. 40 C.F.R. Part 22.
- d. Guidance on Procedures for Assessing Civil Penalties in an Administrative Order Pursuant to Section 1414(g)(3)(B) of the SDWA.
- e. Guidance on Headquarters Involvement in the Issuances by Regions of the first Proposed and Final Administrative Orders.
- f. Chapter 9 Delegation entitled "Administrative Penalty Under Part B: Agency Representation in the Hearings, Negotiating and Signing of Consent Agreements and Appeals" for authorities once the alleged violator files or fails to file an answer to the complaint.

6. SUPERSESSSION. Delegations Manual, SDWA, Regional Delegation 9-33-A. Administrative Penalty Under Part B: Penalty Assessments, Issuing Complaints, and Negotiating and Signing Consent Agreements, 1200 TN RIII 156 (June 21, 2004).

Date: APR 15 2019



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